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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF SOUTHERN
CALIFORNIA,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Defendant.

No. 2:24-CV-9930

**ANSWER TO
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1 Defendant, by and through its undersigned counsel, provides the following Answer to the
2 numbered paragraphs of Plaintiff's Complaint (ECF No. 1):

3 1. This introductory paragraph contains Plaintiff's characterization of this action, to
4 which no response is required.

5 2. Defendant denies the first sentence of this paragraph. Defendant admits the
6 second sentence. As to the third sentence, Defendant admits that flights for the removal of
7 noncitizens from the United States were previously operated by the U.S. Marshals Service on
8 government planes but that such flights are now operated by privately-owned aircraft chartered
9 by ICE Air, but denies the remainder of the allegations in that sentence. Defendant denies the
10 allegations in the remainder of the paragraph.
11

12 3. Defendant is without sufficient information to admit or deny the allegations in the
13 first part of the first sentence pertaining to Plaintiff's non-profit status or purpose. Defendant
14 admits that Plaintiff submitted a FOIA Request to Defendant dated August 15, 2024, and
15 respectfully refers the Court to the referenced FOIA request (attached to the Complaint as
16 Exhibit A) for a true and accurate statement of its contents. Defendant admits that it has not
17 released responsive, non-exempt records as requested in the instant FOIA request. The remainder
18 of the final sentence of paragraph 3 contains legal argument and conclusion about the FOIA, to
19 which no response is required.
20

21 4. This paragraph contains Plaintiff's characterization of this action, to which no
22 response is required.
23

24 5. Defendant denies the allegations contained in this paragraph, except that
25 Defendant is without sufficient information to admit or deny the allegation in the second half of
26 the second sentence regarding the President-elect's plans.
27
28

1 6. This paragraph contains legal conclusions as to jurisdiction, to which no response
2 is required.

3 7. This paragraph contains legal conclusions as to venue, to which no response is
4 required. Defendant is without sufficient information to admit or deny the allegation regarding
5 Plaintiff's domicile.

6 8. Defendant is without sufficient information to admit or deny the allegations in this
7 paragraph.
8

9 9. Defendant admits the allegations in the first sentence. The second sentence
10 contains legal conclusions, to which no response is required.
11

12 10. Defendant admits, and respectfully refers the Court to the referenced FOIA
13 request (attached to the Complaint as Exhibit A) for a true and accurate statement of its contents.

14 11. Defendant admits, and respectfully refers the Court to the referenced FOIA
15 request (attached to the Complaint as Exhibit A) for a true and accurate statement of its contents.
16

17 12. Defendant admits, and respectfully refers the Court to the referenced FOIA
18 request (attached to the Complaint as Exhibit A) for a true and accurate statement of its contents.

19 13. Defendant admits that Plaintiff sought expedited processing in the FOIA request,
20 and respectfully refers the Court to the referenced FOIA request (attached to the Complaint as
21 Exhibit A) for a true and accurate statement of its contents. The remainder of the paragraph
22 contains legal argument and conclusion to which no response is required; to the extent a response
23 is deemed to be required, Defendant denies.
24

25 14. Defendant admits the first three sentences of this paragraph, and respectfully
26 refers the Court to the referenced FOIA response (attached to the Complaint as Exhibit B) for a
27 true and accurate statement of its contents. The fourth sentence of this paragraph contains legal
28

1 conclusion to which no response is required.

2 15. Deny.

3 16. Defendant admits, and respectfully refers the Court to the referenced FOIA
4 response (attached to the Complaint as Exhibit B) for a true and accurate statement of its
5 contents.

6 17. Defendant admits, and respectfully refers the Court to the referenced email
7 correspondence (attached to the Complaint at Exhibit C) for a true and accurate statement of its
8 contents.

9 18. Admit.

10 19. This paragraph contains Plaintiff's characterizations of the FOIA and conclusions
11 of law, to which no response is required.

12 20. This paragraph contains Plaintiff's characterizations of the FOIA and conclusions
13 of law, to which no response is required.

14 21. This paragraph contains Plaintiff's characterizations of the FOIA and conclusions
15 of law, to which no response is required.

16 22. Admit.

17 23. This paragraph contains a legal conclusion, to which no response is required.

18 24. This paragraph contains legal conclusions, to which no response is required.

19 25. Defendant incorporates each of its preceding responses.

20 26. This paragraph contains legal conclusions and characterizations of Plaintiff's
21 FOIA request, to which no response is required. Defendant respectfully refers the Court to the
22 referenced FOIA request (attached to the Complaint as Exhibit A) for a true and accurate
23 statement of its contents.

1 27. Deny.

2 28. Admit.

3 29. Deny.

4 30. Deny.

5 31. Defendant incorporates each of its preceding responses.

6 32. Defendant admits that it is an agency subject to and within the meaning of FOIA.

7 The remainder of the sentence is a legal conclusion to which no response is required.

8 33. This paragraph contains legal conclusions, to which no response is required.

9 34. Deny.

10 35. Defendant incorporates each of its preceding responses.

11 36. Defendant admits that it is an agency subject to and within the meaning of FOIA.

12 The remainder of the sentence is a legal conclusion to which no response is required.

13 37. This paragraph contains legal conclusions, to which no response is required.

14 38. Deny.

15 39. Defendant incorporates each of its preceding responses.

16 40. Admit the first part of the sentence, that Defendant is an agency subject to and
17 within the meaning of FOIA. The remainder of the sentence is a legal conclusion to which no
18 response is required.

19 41. Defendant is without sufficient information to admit or deny the allegations in his
20 paragraph.

21 42. Deny.

22 43. Deny.

23 44. Deny.

1 Defendant denies that Plaintiff is entitled to the relief requested in its Prayer for Relief, or
2 to any relief whatsoever. Plaintiffs are not eligible for, or entitled to, attorney's fees. Any
3 allegation not specifically responded to above is hereby denied.

4 **DEFENSES**

5 1. Defendant's actions did not violate FOIA or any other statutory or regulatory
6 provision.

7 2. Plaintiff is not entitled to compel production of records protected from disclosure
8 by one or more exemptions to FOIA or the Privacy Act, 5 U.S.C. § 552a.

9 3. Plaintiff is not entitled to immediate and expeditious processing of records.
10

11
12 Dated: January 10, 2025

13 Respectfully Submitted,

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15 Principal Deputy Assistant Attorney General

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17 Deputy Branch Director

18 /s/ Kyla M. Snow
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